

EXECUTIVE ORDER 13201 NOTICE

(Update: 09/12/05)

Effective June 20, 2005, OFCCP began monitoring federal contractors for compliance with the requirements of Executive Order 13201 (EO 13201) regarding the “Notice of Employee Rights Concerning Payment of Union Dues or Fees.” OFCCP’s primary responsibility is to determine whether non-exempt federal contractors and subcontractors have: (1) posted EO 13201 notices in conspicuous places throughout their facilities **and** (2) included the “EO 13201 employee notice clause” or a reference to “29 CFR Part 470,” in all of their subcontracts and/or purchase orders that exceed \$100,000 and were entered into on or after April 28, 2004.

The following federal contractors and subcontractors are exempt from the requirement to post the EO 13201 notice:

- Contractors that employ fewer than 15 persons;
- Contractor establishments or construction work sites where no union has been formally recognized by the prime contractor or certified as the exclusive bargaining representative of the prime contractor’s employees;
- Work that is performed outside of the United States that does not involve the recruitment or employment of workers within the United States;
- Specific facilities exempted by the Office of Labor-Management Standards due to Separate Entity status pursuant to a written request; and
- Contractors and subcontractors which are located in “Right-to-Work States.”
With the exception that contractors and subcontractors located in “Right-to-Work States” that are covered by the Railway Labor Act (railway and airline industries) must post the EO 13201 notice throughout their facilities in conspicuous places in all locations.

Non-exempt contractors in the following states are required to post the EO 13201 notice:

Non-Right-to-Work States

Alaska	California	Colorado	Connecticut	Delaware	District of Columbia
Hawaii	Illinois	Indiana	Kentucky	Maine	Maryland
Massachusetts	Michigan	Minnesota	Missouri	Montana	New Hampshire
New Jersey	New Mexico	New York	Ohio	Oregon	Pennsylvania
Puerto Rico	Rhode Island	Vermont	Washington	West Virginia	Wisconsin

The following contracts, subcontracts and purchase orders are exempt from the EO 13201 clause requirement:

- Contracts equal to or less than \$100,000;
- Contracts resulting from solicitations before April 18, 2001;
- Contracts entered into before April 28, 2004; and
- Specific contracts exempted by the Office of Labor-Management Standards in the national interest pursuant to a written request.

OFCCP conducts the EO 13201 compliance inspections of non-exempt federal contractors during the on-site phase of the compliance evaluation process. Pre-notification of the inspection is made by telephonic and written correspondence prior to the on-site visit. **OFCCP checks to determine whether non-exempt contractors have: (1) posted the EO 13201 notice in conspicuous places throughout their facilities and (2) included the employee notice clause or a reference to “29 CFR Part 470” in all non-exempt subcontracts and/or purchase orders. OFCCP inspects three subcontracts or purchase.**

OFCCP provides immediate compliance assistance when contractors are not in compliance with EO 13201; staff carry EO 13201 posters (English and Spanish versions) with them during the on-site visits. A link to EO 13201 posters is available below and posters may be obtained from any OFCCP field office.

For additional information concerning EO 13201, please visit the following links:

Executive Order 13201 – General Information

http://www.dol.gov/esa/regs/compliance/olms/EO13201_CA.htm

Executive Order 13201 – Posters

<http://www.dol.gov/esa/regs/compliance/olms/EO13201posterpg.htm>

Executive Order 13201 – Frequently Asked Questions

http://www.dol.gov/esa/regs/compliance/olms/EO13201_FAQ.htm